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16
17 **UNITED STATES DISTRICT COURT**
18 **CENTRAL DISTRICT OF CALIFORNIA**
19

20 MARGARITO T. LOPEZ individually
21 and as successor in interest to Margarito
22 E. Lopez, Deceased; SONIA TORRES,
23 KENI LOPEZ, and ROSY LOPEZ,
24 individually,

25 Plaintiffs,

26 vs.

27 CITY OF LOS ANGELES; JOSE
28 ZAVALA; JULIO QUINTANILLA; and
DOES 1-10, inclusive,

Defendants.

Case No.: 2:22-cv-07534-FLA-MAAx

Hon. Judge Fernando L. Aenlle-Rocha
Hon. Mag. Maria A. Audero

**PLAINTIFFS NOTICE OF
OPPOSITION TO DEFENDANTS'
MOTION IN LIMINE NO. 2 TO
PRECLUDE ARGUMENTS THAT
VIOLATE THE "GOLDEN RULE"**

FPTC: May 31, 2024
Trial: July 16, 2024

1 Defendants' second motion *in limine* requests that the Court enter an order
 2 precluding Plaintiffs from engaging in argument that violates the so-called, "Golden
 3 Rule," which asks the jury to reach a verdict imagining themselves in the shoes of
 4 the Plaintiffs. Plaintiffs do not intend to engage in such argument and do not oppose
 5 an order excluding argument that would violate the violate the "Golden Rule."

6 However, Plaintiffs do oppose the motion to point out that, as framed, the
 7 requested order is slightly too broad. Defendants do not identify any specific
 8 evidence they seek to exclude. Though courts generally find such arguments
 9 referring to the "golden rule" to be improper, " '[m]any courts in this [C]ircuit have
 10 denied motions *in limine* seeking to categorically exclude' evidence related to the
 11 golden rule or reptile theory 'that do not identify the specific evidence a party seeks
 12 to exclude.'" *OCG Energy, LLC v. Shen*, No. 822CV01568FWSDFM, 2024 WL
 13 694912 at *16 (C.D. Cal. Feb. 12, 2024), quoting *Hardesty v. Sacramento Metro.*
 14 *Air Quality Mgmt. Dist.*, 2023 WL 4564748, at *4 (E.D. Cal. July 17, 2023).

15 Accordingly, Plaintiffs request that Defendants' motion be denied as framed,
 16 without prejudice to the entry of a narrower order excluding arguments implicating
 17 the golden rule, or alternatively, ruling on objections to specific statements that
 18 implicate the "golden rule," at trial.

19 Respectfully submitted,

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 21 Dated: May 17, 2024

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22
 23 By: /s/ Shannon J. Leap

24 Dale K. Galipo
 25 Renee V. Masongsong / Shannon J. Leap
 26 Michael S. Carrillo / J. Miguel Flores
 27 *Attorneys for Plaintiffs*
 28